

Rule 38A. Withdrawal of counsel.

(a) *Withdrawal in criminal cases and certain civil cases.* An attorney may not withdraw from a criminal case or from a civil case in which appellant has the right to effective assistance of counsel except upon motion and order of the court. Absent good cause shown, leave to withdraw will not be granted unless the motion to withdraw is accompanied by an entry of proposed appearance by new counsel or a representation by the withdrawing attorney that the defendant is entitled to the appointment of new counsel.

(b) *Withdrawal in other civil cases.*

(b)(1) *When oral argument not scheduled.* An attorney may withdraw without leave of court in any other civil case that has not been scheduled for oral argument. The withdrawing attorney shall serve notice of the withdrawal with the court and upon all parties, including his or her client. ~~When an attorney withdraws from such a civil case, opposing counsel shall notify the unrepresented party in writing of that party's responsibility to retain another attorney or appear in person. Opposing counsel may not file a motion for summary disposition under Rule 10 until the elapse of twenty days from the giving of such notice.~~

(b)(2) *When oral argument scheduled.* An attorney may not withdraw from any other civil case that has been scheduled for oral argument except upon motion and order of the court. Absent good cause shown, leave to withdraw will not be granted unless the motion to withdraw is accompanied by an entry of proposed appearance of new counsel and new counsel's representation that oral argument may proceed as scheduled.

(b)(3) *Notice to appoint or appear in person.* If an attorney withdraws under subdivision (b)(1), dies, is suspended from the practice of law, is disbarred, or is removed from the case by the court, the opposing party shall, and the court may, serve a notice on the unrepresented party, informing the party of the responsibility to appoint new counsel or, if the unrepresented party is a natural person, the responsibility to appear personally or appoint new counsel. A copy of the notice served by the opposing party shall be filed with the court. No further proceedings shall be held in the case until

Rule 38A.

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31 20 days after such a notice is served, unless the unrepresented party waives the time
32 requirement or unless the court otherwise orders.